

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CHARLES WEINSCHENK,)	
)	
Plaintiff,)	
)	
v.)	No. 1:20-cv-02133-JPH-MPB
)	
DUSTIN DIXON,)	
COMMUNITY HEALTH NETWORK,)	
HAMILTON COUNTY SHERIFF'S OFFICE,)	
)	
Defendants.)	

ORDER DISMISSING CASE

On July 6, 2021, the Court granted Defendants' motion to dismiss for failure to state a claim and gave Mr. Weinschenk through August 6, 2021, to amend his complaint. Dkt. 37. Mr. Weinschenk has filed an amended complaint¹, dkt. 38-1, but what he has filed does not show why Judgment consistent with the Court's order should not enter, dkt. 37 at 6.

Moreover, the Court does not have subject matter jurisdiction over a complaint that is wholly insubstantial. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 89 (1998). And "[a] frivolous federal law claim cannot successfully invoke federal jurisdiction." *In re African-American Slave Descendants Litig.*, 471 F.3d 754, 757 (7th Cir. 2006).

While Mr. Weinschenk does mention in passing the Constitution of the United States and several federal statutes, the complaint does not identify a federal cause of action. Even liberally construing the complaint, this Court

¹ Mr. Weinschenk's motion for leave to amend, dkt. [38], is **denied as moot**.

cannot discern within it any plausible federal claim against any defendant. See *Sanders-Bey v. United States*, Nos. 07-2204, 07-3891, 267 Fed. Appx. 464, 465 (7th Cir. Feb. 25, 2008) *cf.* *United States ex rel. Garst v. Lockheed–Martin Corp.*, 328 F.3d 374, 378 (7th Cir. 2003).

Mr. Weinschenk's claims are **DISMISSED with prejudice**. See *Paul v. Marberry*, 658 F.3d 702, 704–05 (7th Cir. 2011). Plaintiff's motion for reconsideration, dkt. [35], is **DENIED as moot**. Final judgment will issue by separate entry.

SO ORDERED.

Date: 8/27/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

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